

AMENDED IN SENATE JULY 7, 2003

AMENDED IN SENATE JUNE 11, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1405**

**Introduced by Assembly Members Wolk and Harman**  
*(Coauthor: Senator McPherson)*  
**(Coauthor: Assembly Member Laird)**

February 21, 2003

An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

LEGISLATIVE COUNSEL'S DIGEST

AB 1405, as amended, Wolk. California Watershed Protection and Restoration Act.

Existing law provides for a watershed protection program, and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

This bill would enact the California Watershed Protection and Restoration Act. The act would ~~state the policy of the state to endorse voluntary local, collaborative watershed partnerships as being in the~~

~~state's interest in terms of effectiveness, citizen involvement, and community responsibility~~ declare that the Legislature encourages the California Environmental Protection Agency and the Resources Agency to provide assistance and grants under the act to those who choose to participate in watershed restoration and enhancement. The act would make certain declarations regarding voluntary, local, and collaborative watershed partnerships. The bill would require state agencies that adopt guidelines for use by local watershed partnerships to provide specified mechanisms and would authorize state agencies with jurisdiction over watershed planning and protection to provide technical assistance to watershed management partnerships, to the extent that funds are available.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 6.5 (commencing with Section 5808) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 6.5. CALIFORNIA WATERSHED PROTECTION AND RESTORATION ACT

5808. This chapter shall be known, and may be cited, as the California Watershed Protection and Restoration Act.

5808.1. The Legislature finds and declares the following:

(a) ~~Efforts~~ *In addition to the statutory and regulatory policies and programs established pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with Section 30901), and Chapter 1.696 (commencing with Section 5096.600) of Division 5, Division 7 (commencing with Section 13000) and Division 26.5 (commencing with Section 79500) of the Water Code, and other statutes and regulations affecting watershed planning and protection, efforts to conserve, maintain, restore, protect, enhance, and utilize California's rivers and streams for habitat, recreation, water supply, public health, economic development, and other purposes are most have a greater likelihood of being successful when governments, including federal and tribal governments, work in partnership with*

1 citizens in an effort to combine community resources, local  
2 initiative, and state agency support.

3 (b) The Legislature enacted Assembly Bill 2117 of the  
4 1999–2000 Regular Session (Ch. 735, Stats. 2000) to require the  
5 California Environmental Protection Agency and the Resources  
6 Agency to evaluate how effective voluntary, community-based,  
7 collaborative watershed efforts or partnerships are in contributing  
8 to the protection and enhancement of California’s natural  
9 resources, and what the state can do to assist them.

10 (c) The agencies produced a Report to the Legislature:  
11 Addressing the Need to Protect California’s  
12 Watersheds—Working with Local Partnerships, April 2002.

13 (d) The recommendations of that report form the basis and  
14 factual support for ~~the need for a statewide watershed policy that~~  
15 ~~promotes~~ *promoting and encouraging* local partnerships in  
16 watershed restoration, protection, and management *as one of the*  
17 *nonregulatory means of improving watersheds.*

18 (e) It is the intent of the Legislature that this act will bring more  
19 understanding to government agencies of the nature, scope, and  
20 complexity of working on a watershed basis at the local and  
21 regional level.

22 (f) ~~The~~ *To the extent consistent with the federal Clean Water Act*  
23 *(33 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with*  
24 *Section 30901) and Chapter 1.696 (commencing with Section*  
25 *5096.600) of Division 5, Division 7 (commencing with Section*  
26 *13000) and Division 26.5 (commencing with Section 79500) of the*  
27 *Water Code, and other statutes and regulations affecting*  
28 *watershed planning and protection, the California Environmental*  
29 *Protection Agency and the Resources Agency are encouraged to*  
30 *provide assistance and grants under this chapter in a uniform and*  
31 *predictable manner to those who choose to participate in the*  
32 *important work of watershed restoration and enhancement*  
33 *pursuant to this chapter.*

34 (g) ~~The state hereby adopts a formal statewide watershed~~  
35 ~~policy to guide the acts of the state’s agencies in promoting,~~  
36 ~~participating in, and implementing the restoration, protection, and~~  
37 ~~maintenance of the state’s watersheds.~~

38 5808.2. (a) ~~It is the policy of the state to endorse voluntary~~  
39 ~~local, collaborative watershed partnerships as being in the state’s~~

1 interest in terms of effectiveness, citizen involvement, and  
2 community responsibility.

3 (b) The state recognizes that reconfiguring state watershed  
4 programs and organizations that use watershed management as an  
5 organizing principle is a more efficient and effective delivery of  
6 existing programs.

7 (c) The state recognizes that flexible guidelines for watershed  
8 management are key to effective implementation. The state  
9 recommends that local governments and special districts  
10 participate in local watershed partnerships because the most  
11 efficient and long lasting watershed restoration and management  
12 programs are those in which local government and special district  
13 partnerships exist.

14 (d) The state recognizes and encourages technical assistance  
15 from the state to watershed management partnerships through  
16 technical training, advice and manuals describing acceptable  
17 assessments, plans, and monitoring activities.

18 (e) The foregoing is the policy of the state for watershed  
19 programs funded by general funds, bond funds, or combinations  
20 of local, private, federal, or specific watershed funds of the various  
21 state agencies and departments.

22 5808.2. (a) In addition to the statutory and regulatory  
23 policies and programs established pursuant to the federal Clean  
24 Water Act (33 U.S.C. Sec. 1251 et seq.), Division 20.4  
25 (commencing with Section 30901) and Chapter 1.696  
26 (commencing with Section 5096.600) of Division 5, Division 7  
27 (commencing with Section 13000) and Division 26.5  
28 (commencing with Section 79500) of the Water Code, and other  
29 statutes and regulations affecting watershed planning and  
30 protection, voluntary local collaborative partnerships that assist  
31 in improving the condition of the watershed as expeditiously as  
32 possible are in the state's interest in terms of effectiveness, citizen  
33 involvement, and community responsibility.

34 (b) The use of local and regional watershed level planning and  
35 management can be an efficient and effective mechanism to  
36 improve the condition of the watershed.

37 (c) To the extent consistent with the federal Clean Water Act (33  
38 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with Section  
39 30901) and Chapter 1.696 (commencing with Section 5096.600)  
40 of Division 5, Division 7 (commencing with Section 13000) and

1 *Division 26.5 (commencing with Section 79500) of the Water*  
2 *Code, and other statutes and regulations affecting watershed*  
3 *planning and protection, guidelines adopted by state agencies for*  
4 *use by local watershed partnerships shall provide flexible*  
5 *mechanisms to achieve quantifiable, and monitored watershed*  
6 *objectives.*

7 *(d) In addition to the statutory and regulatory policies and*  
8 *programs established pursuant to the federal Clean Water Act (33*  
9 *U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with Section*  
10 *30901) and Chapter 1.696 (commencing with Section 5096.600)*  
11 *of Division 5, Division 7 (commencing with Section 13000) and*  
12 *Division 26.5 (commencing with Section 79500) of the Water*  
13 *Code, and other statutes and regulations affecting watershed*  
14 *planning and protection, local governments, special districts, and*  
15 *other interested parties may participate in local watershed*  
16 *partnerships in order to ensure efficient, long-lasting, and*  
17 *effective watershed restoration and management and to improve*  
18 *the watershed.*

19 *(e) To the extent funds that are available for the purposes in*  
20 *subdivision (d), state agencies with jurisdiction over watershed*  
21 *planning and protection may provide technical assistance to*  
22 *watershed management partnerships through training, advice,*  
23 *and manuals describing assessments, plans, and monitoring*  
24 *activities that are consistent with watershed protection laws and*  
25 *regulations.*

